

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING
THURSDAY, MARCH 26, 2015
2310 BROENING HIGHWAY, BALTIMORE, MD 21224

OPEN SESSION

Pete K. Rahn, Chairman

MEMBERS ATTENDING:

P. Jack Basso
Rev. Dr. William C. Calhoun, Sr.
Katrina J. Dennis, Esq. – via Telephone
Mary Beyer Halsey
William K. Hellmann – via Telephone
Arthur Hock
Michael Whitson

STAFF ATTENDING:

David Chapin
Percy Dangerfield
Donna DiCerbo
Trudy Edwards
Patrick Fleming
Bruce Gartner
Jim Harkness
Jaclyn Hartman
Meshelle Howard
Derek Jones
Colonel Mike Kundrat
Jody McCurley
Kimberly Millender, Esq.
Will Pines
Deborah Sharpless
Dennis Simpson
Cheryl Sparks
Dan Williams

OTHERS ATTENDING:

Uchenna Ifeagwazi, MDTA
Michael McGeady, Cianbro
Genevera Smith, MDTA
Joan Ward, Stokes Creative Group

At 9:00 a.m. Chairman Pete K. Rahn, called the meeting of the Maryland Transportation Authority (“MDTA”) Board to order.

APPROVAL – OPEN SESSION MINUTES OF FEBRUARY 26, 2015

Upon motion by Member P. Jack Basso and seconded by Member Michael Whitson, the Closed and Open Session meeting minutes of the MDTA Board Meeting held on February 26, 2015 were unanimously approved.

APPROVAL – TOLL REDUCTION INITIATIVE

Mr. Bruce Gartner requested approval from the Board to begin staff development of options to reduce tolls and/or fees. In accordance with Governor Hogan’s stated desire to reduce, where practical, amounts paid by the citizens and businesses using Maryland’s toll facilities, Chairman Rahn has asked that the MDTA develop various options for consideration.

Staff will present to the Chairman and MDTA Board options for their consideration at a meeting or work session in April in order to implement the reductions.

Upon motion by Member Whitson and seconded by Member Basso, the Members unanimously approved for staff to develop various options to reduce tolls, where practical, and to present to the Chairman and MDTA Board in a meeting or work group in April.

Reverend Dr. William C. Calhoun, Sr., arrived at approximately 9:10 a.m. and joined the meeting.

APPROVAL CONTRACT – AWARD

• **CONTRACT NO. FT 2771-000-006 I-95 AND I-395 SUPERSTRUCTURE AND PIER MODIFICATIONS**

Ms. Donna DiCerbo requested approval for Contract No. FT 2770-000-006 I-95 & I-395 Superstructure and Pier Modifications. This item was reviewed by the Capital Committee and recommended for approval.

This project is intended to perform repairs at the junction of Northbound Interstate 95 and the Southbound Interstate 395 ramp to Northbound Interstate 95 south of the Fort McHenry Tunnel in Baltimore City. The scope of work includes superstructure and pier modifications and drainage pipe replacement to the following bridges as defined in the Contract Documents: BCW54601: I-95 NB over Middle Branch; BCW55101: I-95 NB over Hanover Street; BCWT0600: I-395 Ramp F over Middle Branch, I-95 and Ramps G & H.

This Contract included \$800,000 in allowance items which consists of \$300,000 for Disposal of Waste Soil, \$300,000 for Disposal of Waste Water; \$100,000 for Instrumentation, and \$100,000 for Miscellaneous Repairs that were included in the Invitation for Bids (IFB). These allowance items will only be used if necessary and with prior approval of the Construction Manager.

Four (4) bids were received ranging from 8.87% to 31.02% above the Engineer's Estimate of \$5,285,095. Joseph B Fay Company was the lowest responsive and responsible bidder. The Minority Business Enterprise (MBE) participation goal is Nineteen Percent (19%) with sub goals of seven percent (7%) for African American-owned firms and and four percent (4%) for Asian American-owned companies; and a One Percent (1%) Veteran-Owned Small Business Enterprise (VSBE) participation goal. Joseph B. Fay Company submitted MBE and VSBE plans that meet the goals.

Upon motion by Member Rev. Dr. William Calhoun and seconded by Member Whitson the Members unanimously approved the award of Contract No. FT 2771-000-006 I-95 and I-395 Superstructure and Pier Modifications to Joseph B. Fay Company in the amount of \$5,754,144.

- **CONTRACT NO. MA 2803-000-006 ON-CALL DRAINAGE AND STORMWATER REMEDIATION**

Ms. DiCerbo requested approval for Contract No. MA 2803-000-006 On-Call Drainage and Stormwater Remediation. This item was reviewed by the Capital Committee and recommended for approval.

The work includes providing labor, equipment, and materials necessary to perform miscellaneous repairs, upgrades, replacements, and new construction for drainage and stormwater-related features as directed by the Engineer. This covers storm drain systems, stormwater management (SWM) devices, and other improvements in support of system preservation and meeting compliance of stormwater permits related to National Pollutant Discharge Elimination System (NPDES). This work may be required on any portion (bridge, tunnel, highway, building and all appurtenances) of any of the Authority's facilities.

This Contract includes \$1,088,000 in allowance items that consists of \$675,000 for Materials for Construction, \$210,000 for Specialized Equipment for Construction, \$200,000 for Specialized Subcontractors for Construction, and \$3,000 for Lodging and Meals that were included in the Invitation for Bids (IFB). These allowance items will only be used if necessary and with prior approval of the Construction Manager.

Three (3) bids were received ranging from 1.11% below to 47.23% above the Engineer's Estimate of \$3,488,160.

Concrete General, Inc. is the lowest responsive and responsible bidder. This solicitation was originally advertised as a Small Business Reserve (SBR) solicitation with no Minority Business Enterprise (MBE) or Veteran Small Business Enterprise (VSBE) participation goals. No SBR Prime Contractors attended the Pre-Bid Meeting, so in the best interest of the State, the Bid Due Date was postponed, and the contract was taken back to PRG for reconsideration. After reconsideration by the

PRG, the SBR designation was changed to Small Business Preference (SBP) Eligible, and an overall MBE participation goal of thirty percent (30%) with no sub-goals was added. Concrete General, Inc. submitted a MBE plan that meets the goal.

Upon motion by Member Calhoun and seconded by Member Whitson the Members unanimously approved the award of Contract No. MA 2803-000-006 On-Call Drainage and Stormwater Remediation to Concrete General, Inc. in the amount of \$3,449,494.

- **CONTRACT NO. MR 2859-000-001/6 ON-CALL STRUCTURAL REPAIRS AND MISCELLANEOUS MODIFICATIONS**

Ms. DiCerbo requested approval for Contract No. MR 2859-000-001/6 On-Call Structural Repairs and Miscellaneous Modifications. This item was reviewed by the Capital Committee and recommended for approval.

The work to be performed under this contract may be required on any portion (bridge, tunnel, highway, building, and all appurtenances) of any of the Authority's facilities. The scope of work includes providing labor, equipment, materials, etc. necessary to perform miscellaneous structural, concrete, and other types of repairs, upgrades, replacements, and new construction as directed by the Engineer. The work may include but is not limited to the following: Concrete repairs and replacement to Authority structures, piers, pier caps, abutments, bridge decks, sidewalks and other concrete components of bridges, roadway features, vent buildings and tunnels; Jacking bridge steel beams under traffic load and repairing concrete pedestals and restoring bearings on piers and abutments; Repair damaged concrete toll islands, and other concrete components of toll plaza structures; Provide Maintenance of Traffic; Concrete and steel repair of signs and high mast light poles; Crack repairs in concrete by pressure injecting epoxy; Repair and replacement of Authority structures, bridge piers, pier caps, pedestals, abutments, and barriers; Repair or replace bridge beams, girders, and other structural members; Repair or replace damaged bridge fender systems and/or dolphins; Repair or replace concrete or other types of slope protections at bridge piers and abutments; Repair or replace damaged structures, including but not limited to toll booths, canopies, and concrete toll islands; Miscellaneous repairs, enhancements and modifications, which may be security related or potentially emergency related; Construction, repair or replacement of retaining walls and noise walls; Repair piers in water and install pile protective devices; Placement of riprap, grout filled bag, and other methods of scour protection; Providing access for repairs to Authority structures components, including but not limited to suspension cables, suspender ropes, truss members, other superstructure and substructure elements, etc.; Repair or replacement of suspension cables, cable wrappings, suspender ropes, and other cable components; Repair, replace, or install various drainage systems, including joint seals, troughs, pipes, under drains, downspouts, etc.; Cleaning and painting of various structures components, including lead abatement; Installation, repair, and maintenance of various electronic systems that are part and parcel to structures preservation; Construction, repair, or upgrade to various highway components that are part and parcel to structures repairs or replacement, including but not limited to roadway, signs, sign structures, lights, light poles, guardrails, impact attenuators, travel plazas, etc.; Trouble shooting and repairing structural, mechanical and electrical components in moveable span bridges and tunnel ventilation buildings; Trouble shooting and repairing electrical control systems for moveable span bridges, weigh scales, and tunnel ventilation

buildings; Working in conjunction with engineering consultants, fabricators, and suppliers to design and construct major and complex upgrades to electrical, mechanical, and structural drawbridge, tunnel ventilation and pump room components, toll plaza and weigh station scales; Construction, fabrication, repair, replacement, or installation of toll gantry structural components; Perform preservation activities for Authority structures that are part and parcel to repairs; Perform repair or replacements of storm water management and drainage structures; Performing roadside slope stabilization and repair, including the installation of support structures; Installation of foundation items, such as piles, test piles, drilled systems, etc.; Installing various instrumentation and measuring devices, including performing load tests on structures elements.

This Contract included \$3,910,000 in allowance items, which consists of \$230,000 for Reimbursable Railroad Permit Expenses, \$1,610,000 for Materials for Structural Repairs, \$920,000 for Specialized Equipment for Structural Repairs and \$1,150,000 for Specialized Subcontractors. These allowance items will only be used if necessary and will not be used without the prior approval of the Construction Manager.

Four (4) bids were received ranging from 5.47% below to 14% above the Engineer's Estimate of \$12,357,075. MBP Contracting Co., Inc., is the lowest responsive and responsible bidder. The solicitation was advertised with a Minority Business Enterprise (MBE) participation goal of Nineteen Percent (19%) with no sub-goals. MBP Contracting Co., submitted a plan that meets the goal.

Upon motion by Member Calhoun and seconded by Member Whitson the Members unanimously approved the award of Contract No. MR 2859-000-001/6 On-Call Structural Repairs and Miscellaneous Modifications to MBP Contracting Co., Inc., for the amount of \$11,681,680.

APPROVAL CONTRACT – RENEWAL

- **CONTRACT NO. MA 2491-000-006 ON-CALL ELECTRICAL AND ITS REPAIR AND SERVICE**

Ms. DiCerbo requested approval to exercise a renewal option for Contract No. MA 2491-000-006 On-Call Electrical and ITS Repair and Service. This item was reviewed by the Capital Committee and recommended for approval.

The Contract includes labor, equipment and materials necessary in performing miscellaneous electrical, ITS and other types of repairs, upgrades, replacements and new construction in an on-call or task-based manner. The scope of work includes but is not limited to: installation, repair, and maintenance of various electrical/electronic systems, such as roadway lighting – especially underground, tunnel lighting, sign lighting, automatic traffic counter/classifiers, highway advisory radios, tunnel fans, Curtis Creek drawbridge electrical work; general electrical repair or new installation; resetting of downed/fallen roadway lighting structures; locating and repairing of underground roadway lighting circuits; replace equipment control and service entrance equipment; and miscellaneous repairs and, enhancements, which may be security related or potentially emergency related.

The original Contract awarded to Murphy Bird and Phillips, Inc. was from March 28, 2012 through March 27, 2015, with a Not-To-Exceed amount of \$2,145,975; and included two (2) one (1) Year Renewal Options.

As of February, 2015, there were \$2,007,024.96 expended funds on this \$2,145,975 contract leaving a balance of \$138,950.04. Staff recommends exercising the first Contract renewal for a term of March 28, 2015 through March 27, 2016, or until remaining funds are expended.

The overall Minority Business Enterprise (MBE) participation goal established for this Contract was Thirty Percent (30%). The Contractor has achieved 26.44% MBE Compliance to date.

Upon motion by Member Calhoun and seconded by Member Whitson the Members unanimously approved a one year renewal from March 28, 2015 to March 27, 2016, or until remaining funds are expended for Contract No. MA 2491-000-006 On-Call Electrical and ITS Repair and Service.

UPDATE – AUDIT COMMITTEE

Member Mary Beyer Halsey reported the Audit Committee met on March 17, 2015. The Office of Audits is on track to complete the audits in the Fiscal Year 2015 Audit Plan.

UPDATE – LEGISLATIVE SESSION

Mr. Patrick Fleming provided an update of legislation introduced this session. There are only 18 days left before Sine Die, the last day of Session. The MDTA's departmental bill House Bill 1241 passed unanimously out of the House on March 23rd and was introduced in the Senate on March 24th. The bill has been scheduled for a hearing before the Senate Finance Committee on April 7, 2015. HB 1241 would modify the video toll collection and citation process to have the civil penalty assessed with Citations applied 15 days after a violation occurs, clarifies information that is needed from vehicle leasing and rental companies when transferring liability, and authorizes the MDTA to waive tolls and civil penalties under certain circumstances. Bills introduced in the House that directly affected the MDTA, except HB 1241, have been voted unfavorable by the Environment & Transportation Committee. Bills introduced in the Senate that directly affect the MDTA have had a bill hearing, but have not been scheduled for a vote by the committee.

At 9:36 a.m. upon motion by Member Halsey and seconded by Member Whitson, the Members unanimously voted to move into Closed Session pursuant to Section 3-305(b)(8) of the General Provisions Article of the Annotated Code of Maryland to consult with staff, consultants, or other individuals about pending potential litigation in the Court of Appeals filed by Vadim Roshchin. The following persons were present during the Closed Session: Pete K. Rahn, Chairman, P. Jack Basso, Rev. Dr. William Calhoun, Katrina Dennis, Esq. (by telephone), Mary Beyer Halsey, William K. Hellmann (by telephone), Arthur Hock, Michael Whitson, Percy Dangerfield, Trudy Edwards, Bruce Gartner, Colonel Mike Kundrat, Kimberly Millender, Esq., Deborah Sharpless and Cheryl Sparks.

At 9:48 a.m., upon motion by Member P. Jack Basso and seconded by Member Calhoun, with the unanimous approval of the Members, the Members adjourned the Closed Session and returned to Open Session. No actions were taken during the closed session.

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 9:48 a.m.

The next MDTA Board Meeting will be held on April 23, 2015 at 9:00 a.m. at the Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland 21224.

APPROVED AND CONCURRED IN:

Pete K. Rahn, Chairman



MARYLAND TRANSPORTATION AUTHORITY

STATEMENT FOR CLOSING A MEETING

LOCATION: Maryland Transportation Authority
Point Breeze Headquarters Building
2310 Broening Highway.
Baltimore, Maryland 21224

DATE: March 26, 2015

TIME: 9:00 a.m.

MOTION BY: CALHOUN

SECONDED BY: BASSO

VOTE TO CLOSE SESSION:

	AYE	NAY	ABSTAIN	ABSENT
Rev. Dr. William C. Calhoun, Sr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael J. Whitson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peter J. Basso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mary Beyer Halsey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arthur Hock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William K. Hellmann, P.E. <i>phone</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Katrina J. Dennis, Esq. <i>phone</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chairperson <i>Pete K. Rahn</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

STATUTORY AUTHORITY TO CLOSE SESSION GENERAL PROVISIONS ARTICLE, §3-305(b)

- (1) ☐ To discuss:
 - (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
 - (ii) any other personnel matter that affects 1 or more specific individuals.
- (2) ☐ To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.
- (3) ☐ To consider the acquisition of real property for a public purpose and matters directly related thereto.
- (4) ☐ To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.
- (5) ☐ To consider the investment of public funds.

STATEMENT FOR CLOSING A MEETING

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- (6) [] To consider the marketing of public securities.
- (7) [] To consult with counsel to obtain legal advice.
- (8) [X] To consult with staff, consultants, or other individuals about pending or potential litigation.
- (9) [] To conduct collective bargaining negotiations or consider matters that relate to the negotiations.
- (10) [] To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including:
 - (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans.
- (11) [] To prepare, administer, or grade a scholastic, licensing, or qualifying examination.
- (12) [] To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- (13) [] To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- (14) [] Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

TOPICS TO BE DISCUSSED:

The Meeting will be closed under § 3-305(b)(8) of the General Provisions Article of the Annotated Code of Maryland, to discuss pending litigation at the Court of Appeals in the matter filed by Vadim Roshchin, *et.al.*

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REASON FOR CLOSING:

To discuss matters that are permitted by statute to be discussed during a closed session of a meeting of a public body.

A handwritten signature in blue ink, consisting of several loops and strokes, positioned above a horizontal line.

PRESIDING OFFICER